

Honorable Thomas S. Zilly

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

STRIKE 3 HOLDINGS, LLC, a Delaware corporation, ) Case No. 2:17-cv-01731-TSZ  
Plaintiff, )  
vs. )  
JOHN DOE, subscriber assigned IP address )  
73.225.38.130, )  
Defendant. )  
An related Cross Actions )

JOHN DOE, subscriber assigned IP address 73.225.38.130, (“DOE” or “Defendant” ) makes the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure to Plaintiff, Strike 3 Holdings, LLC (“S3H”). The disclosures are based upon information and things presently available to DOE. The disclosures should not be construed as a statement that no other witnesses or relevant documents or things exist, and DOE reserves the right to produce and rely upon evidence or testimony from witnesses not identified in these disclosures.

1           **A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT**  
2           **DOE MAY USE TO SUPPORT HER COUNTERCLAIMS**

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4           The following individuals are likely to have discoverable information that Defendant may  
5           use to support its defenses and counterclaims. All individuals employed by or currently affiliated  
6           with Defendant may be reached through Defendant's counsel. Information may include knowledge  
7           of the creation and registration of the copyrights, Plaintiff's settlements with other parties, etc.  
(FR= Fox Rothschild, JCE = Edmondson IP Law)

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9           1. DOE, subscriber assigned IP address 73.225.38.130. Owner of Comcast Router, and  
10           computer at issue. – Documents regarding the computer, router, personal injury due  
11           to litigation. Represented by JCE.

12           2        Greg Lansky – Creation and distribution of the works at issue. Represented by FR.

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14           3.       Tobias Fieser – German “investigator” with knowledge of the investigation  
15           techniques. Represented by FR.

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17           4.       John Pasquale – PCAP “investigator” with knowledge of the analysis of PCAPs.  
18           Represented by FR.

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20           5.       Susan Stalzer – “Fact Witness” re: infringement of works. Located in Chicago, IL.  
21           Maybe represented by FR.

22           6.       Defendant's Expert Witnesses - May be contacted through JCE  
23           a. Eric Fruits – Dr. Fruits is the economics expert on the valuation of the Work and  
24           can testify on actual damages under the copyright act and that Plaintiff has  
25           engaged in a “sue and settle” model regarding opinion testimony for Defendant's  
26           affirmative defense of copyright misuse.

1           b. Kal Toth – Dr. Toth will testify regarding the verification and validation of the  
2           German monitoring system that is used for infringement detection.  
3           c. Michael Yasumoto – Hard Drive forensic expert.

4           7. IPP – Company that “investigates” the infringement. Located in Hamburg/Karlsruhe  
5           Germany or in the UK. Also associated with the company is Maverickeye,  
6           MaverickEye, UG – Maverickeye UG Helbronnestr Strasse 150 70191 – Operates the  
7           “Maverik Monitor ™ investigative tool” which has allegedly identified an infringer.  
The following members/employees/subcontractors of MaverickEye, UG:

8           a. Daniel Macek is a German Citizen, represented by his own counsel. Daniel  
9           Macek is plaintiffs primary investigator who oversaw the direct peer-to-peer  
10          connection with defendant's IP address and is knowledgeable about associated  
11          activity, and records. Mr. Macek has information related to files and data  
12          collected data related to defendant's IP address. Address: c/o Maverickeye UG  
13          Helbronnestr Strasse 150 70191 Stuttgart, Germany Tel: +49(0)721-977-95-  
73. Web: <http://www.maverickeye.de>

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15          b. Ben Parino is a German Citizen, represented by his own counsel. Ben Parino  
16          an owner of plaintiff s investigator IPP/MaverickEye UG, is knowledgeable  
17          about the software used by plaintiffs investigator and has knowledge about  
18          peer-to-peer file exchanges and the veracity of plaintiffs investigations.  
Address: c/o Maverickeye UG Heilbronner Strasse 150 70191 Stuttgart,  
19          Germany, Tel: +49(0)71149004127.

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21          c. Tobias Feiser is a German Citizen, represented by Plaintiff's counsel. Mr.  
22          Fieser has information regarding the operation of the *Maverik Monitor* system,  
23          programming of the system, and the failure modes of the system.

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25          d. Patrik Achache is a citizen of either Switzerland or the Phillipines, Achache an  
26          owner of plaintiff s investigator MaverickEye UG, is knowledgeable about the  
software used by plaintiffs investigator.

1 e. Also associated with IPP is: Excipio – Excipio GMBH, address provided  
2 monitoring for Plaintiff's system up and through at least 6/1/2015. People  
3 associated with Excipio are: Michael Patzer – Location unknown, but last time  
4 located in Thailand, System Designer of the Excipio system which may be the  
5 same system or identical.

6 f. Crystal Bay Corporation – Crystal Bay Corporation, South Dakota Shell  
7 Corporation, address currently unknown, has been associated with the entity.

8 9. Pornhub and other Licensees – Distributors of S3H works. Contact information only  
10 known via their respective websites.

11 9. Emilie Kennedy – Knowledge of the implementation of Plaintiff's copyright  
12 monetization model. Located in Beverly Hills. Represented by FR.

14 10. Torrent Sites – Location of the Torrent Files and information on the “uploaders”.

16 11. Strike 3 Holdings, LLC as declared by Emilie Kennedy:

18 Plaintiff Strike 3 Holdings, LLC (“Strike 3”) is a wholly owned subsidiary of  
19 GMS and serves as its intellectual property holding company. Strike 3 enters into  
20 assignments in which it obtains the rights to adult-content films produced by GL Web  
21 Media (“GLWM”), a production company wholly owned by Greg Lansky who is a  
22 member of GMS, and Kode Shop, LLC (“Kode”), a post-production company wholly  
owned by GMS. GLWM and Kode create GMS’ audio-visual works, including those at  
issue in this case in Studio City, CA (*i.e.*, works under the *Blacked*, *Tushy*, and *Vixen*  
brands). Both GLWM and Kode are duly registered with the state of California.

25 **B. RELEVANT DOCUMENTS AND THINGS**

1 DOE identifies the following documents and things that it may use to support its defenses  
2 and counterclaims:

3 In possession by S3H

4 a. Documents evidencing allegations of infringement of S3H's copyrighted  
5 materials;  
6 b. Chain of Title of the Copyrighted Work that is alleged to be infringed.  
7 c. S3H's Financials regarding gross and net income received regarding the work;  
8 d. All settlement agreements regarding the work and third party communications;  
9 e. All agreements that involve the underlying rights of the films;  
10 f. The published form of the work.  
11 g. Contracts with independent "Investigators".  
12 h. Raw data from the independent "Investigators".  
13 i. DMCA notices generated by S3H or their agents.

14 In possession by DOE

15 a. A computer with access to a WiFi modem/router.  
16 b. WIFI Router

17 In Possession by the United States Copyright Office

18 a. Documents relating to S3H's copyrights.

19 Federal Courts

20 a. Other cases involving S3H.

21 Other documents related to this case, including those falling within the above identified  
22 categories, which may be in the possession, custody or control of S3H.

23 **C. COMPUTATION OF DAMAGES**

24 The Copyright Act specifically provides for an award of Costs and Attorney fees to a  
25 prevailing party. State law crossclaims provide for damages.

**D. COPIES OF INSURANCE AGREEMENTS**

DOE is not aware of any insurance or indemnity agreements relevant to any of the claims herein.

Respectfully submitted,

Dated: April 17, 2018

/s/ J. Curtis Edmondson  
J. Curtis Edmondson, P.E. (WA SBN 43795)  
Venture Commerce Center  
3699 NE John Olsen Ave  
Hillsboro, OR 97124  
(503) 336-3749

[jcedmondson@edmolaw.com](mailto:jcedmondson@edmolaw.com)  
[www.edmolaw.com](http://www.edmolaw.com)

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**CERTIFICATE OF SERVICE**  
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I, J. Curtis Edmondson, hereby certify that on April 17, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Bryan J. Case, WSBA #41781  
Email: bcase@foxrothschild.com  
FOX ROTHSCHILD LLP (SEATTLE)  
1001 Fourth Avenue, suite 4500  
Seattle, Washington 98154  
Telephone: (206) 624-3600

Lincoln D. Bandlow, *Admitted Pro Hac Vice*  
Email: lbandlow@foxrothschild.com  
FOX ROTHSCHILD LLP (LOS ANGELES)  
10250 Constellation Blvd., Suite 900  
Los Angeles, California 90067  
Telephone: (310) 598-4150

14                   *Attorneys for Plaintiff Strike 3 Holdings LLC*  
15  
16                   DATED this 17th day of April, 2018.  
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18                   By: /s/ J. Curtis Edmondson  
19                   J. Curtis Edmondson  
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